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Attorneys for The SCO Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**SCO'S MEMORANDUM IN
RESPONSE TO IBM'S REQUEST FOR
EXPEDITED BRIEFING AND
HEARING**

Case No. 2:03CV0294DAK
Honorable Dale A. Kimball
Magistrate Judge Brooke C. Wells

Plaintiff, The SCO Group, Inc. ("SCO"), respectfully submits this memorandum in response to the Request for Expedited Briefing and Hearing filed by Defendant, International Business Machines Corporation ("IBM"), on June 8, 2006.

IBM seeks expedited briefing on its motion (filed on June 8 and received by SCO on June

9) asking at least that the Court strike certain portions of three of SCO's expert reports and in effect dismiss one of SCO's claims relating to IBM's alleged copyright infringement. However styled, the motion is a dispositive one. In addition, SCO agrees that expedited resolution of the issues raised in IBM's motion is appropriate at this stage of the litigation, and therefore does not oppose IBM's request for expedited briefing. With respect to IBM's request for expedition, to clarify the current schedule, the Court is advised that one day before IBM filed its motion, SCO agreed to IBM's request for a 30-day extension to file responsive expert reports.

Accordingly, SCO respectfully submits that, rather than affording SCO thirty days to respond to IBM's motion (the number of days allowed by the Court's rules for opposing a dispositive motion), the Court enter an Order affording SCO ten days (until June 19) to oppose the motion and IBM three days (until June 22) to file a reply, which would leave the motion fully briefed a week before IBM's outside request of an expedited hearing date of June 30, 2006.

DATED this 12th day of June, 2006

By: /s/ Brent O. Hatch

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CERTIFICATE OF SERVICE

Plaintiff, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing Memorandum in Response to IBM's Request for Expedited Briefing and Hearing was served on Defendant International Business Machines Corporation on the 12th day of June, 2005, by CM/ECF to the following:

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